

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HARLEYSVILLE LIFE INSURANCE
COMPANY,

Plaintiff,

vs.

DEBRA R. KOHLMAN, SHARISE S.
JEFFERSON, and DEVON M.
JEFFERSON,

Defendants.

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Civil Action No. 6-960

AMBROSE, Senior District Judge

MEMORANDUM ORDER OF COURT

Under the life insurance policy at issue, Dwayne M. Jefferson listed three beneficiaries to share in the benefits equally: Debra R. Coleman, Devon M. Jefferson and Sharise S. Jefferson. (ECF No. 1, ¶ 12, Ex. C). The Group Insurance Enrollment and Record Card specifically states as follows:

If more than one beneficiary is designated, settlement will be made in equal shares to such of the designated beneficiaries (or beneficiary) as survive the Insured, unless otherwise provided herein.

Id. Upon Dwayne M. Jefferson's death, the insurance carrier, Plaintiff, paid 1/3 of the life insurance benefits under the plan to both Debra R. Kohlman and Sharise S. Jefferson. *Id.* at ¶13. Plaintiff, however, was unable to verify the existence of Devon M. Jefferson, the alleged son of Dwayne M. Jefferson, Sr. and Debra Kohlman. *Id.* at ¶¶16-20. As a result, Plaintiff initiated this action to deposit the remaining 1/3 benefit due and owing into a designated account with this Court. *Id.*

On February 6, 2013, Sharise S. Jefferson filed an Application for Payment of Unclaimed Funds asserting that Devon M. Jefferson ever existed. (ECF No. 12). On March 12, 2013, this Court held a Show Cause hearing regarding the Application. Debra R. Kohlman was

represented by counsel, Frank R. Fleming, III, but did not appear herself. Sharise S. Jefferson appeared *pro se*. Devon M. Kohlman did not appear. At the hearing, Mr. Fleming represented that Debra R. Kohlman did not bear a child named Devon M. Jefferson, that Dwayne M. Jefferson, Sr. did not father a child with Debra R. Kohlman, and that Devon M. Jefferson does not exist.

Based on the same, I find that that Devon M. Kohlman does not exist. The policy provides that in such an event, "settlement will be made in equal shares to such of the designated beneficiaries (or beneficiary) as survive the Insured." Thus, according to the policy, Sharise S. Jefferson and Debra R. Kohlman shall share the remaining 1/3 benefit in equal amounts.

The exact amount in the account being held by the Clerk of Court is \$14,158.34. The funds are now on deposit in the Treasury of the United States.

THEREFORE, this 12th day of March, 2013, it is ordered that the Clerk of Court direct the issuance of two drafts upon the Treasury of the United States in the amount of \$7,079.17 each. The first draft should be issued to Sharise S. Jefferson, 526 Bessemer Ave., East Pittsburgh, PA 15112. The second draft should be issue to both Debra R. Kohlman and her attorney Frank R. Fleming, III, P.O. Box 18050, Pittsburgh PA 15236.

BY THE COURT:

s/ Donetta W. Ambrose
Donetta W. Ambrose
United States Senior District Judge